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09/747,604	12/22/2000	Sean Selitrennikoff	MS154763.1	4486

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EXAMINER

SHAW, JOSEPH D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747,604

Applicant(s)

SELITRENNIKOFF ET AL.

Examiner

Joseph D Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-29 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2.3</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Objections***

1. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

a. Claim 1 claims a component that encapsulates the encoded data to isolate the second data protocol from the first data protocol. Claim 5 claims an encapsulation sequence (sequence of events that encapsulates) to isolate the second data protocol from the first data protocol.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 17, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b. Claim 5 recites the limitation "the formatted data protocol" in line 2. There is insufficient antecedent basis for this limitation in the claim.

c. Claims 17 and 25 recite the limitation "the formatted data" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 29 rejected under 35 U.S.C. 102(a) as being anticipated by Murphy Jr. et al. (6,070,245).

d. As per claim 29 Murphy Jr. teaches:

a first data protocol containing presentation data (5250 data stream; col. 3, lines 52-64); and

a second data protocol encapsulated within the first data protocol to isolate the second data protocol from the first data protocol (user data in the form of HTML is inserted into the data stream, HTML data isolated using the HTML keyword; col. 3, lines 52-64).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1 5-9, 15-17, 20-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245).

e. As per claim 1, Murphy Jr. teaches:

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a first subsystem for generating presentation data via a first data protocol (5250 data stream, inherently generated in some way; col. 3, lines 52-64); and

a component for encoding data other than presentation data within the first data protocol via a second data protocol, wherein the component encapsulates the encoded data to isolate the second data protocol from the first data protocol (user data in the form of HTML (formatting data) is inserted into the data stream, HTML data isolated using the HTML keyword; col. 3, lines 52-64).

However, Murphy Jr. does not explicitly state the reason for encapsulation being to mitigate disruption of the presentation data. "Official Notice" is taken that both the concept and advantages of encapsulation mitigating the disruption of data are well known and expected in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the Murphy Jr. invention encapsulate data to mitigate disruption of the presentation data, because without encapsulation, a data stream would have to halt, allow the would be encapsulated data to be presented, and then restart again, causing a preventable disruption.

f. Claims 15 and 23 recite similar limitations to claim 1 and are rejected under the same rationale.

g. As per claim 5, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

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an encapsulation sequence to isolate the second data protocol from the formatted data protocol (as in claim 1, the component provides the encapsulation step (sequence); col. 3, lines 52-64).

h. As per claim 6, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

a control sequence associated with the formatted data protocol (HTML keyword in the 5250 stream; col. 3, lines 52-64).

i. As per claim 7, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

the formatted data protocol being at least one of a VT100, TN3270, TN5250, VT320, VT340, VT420, VT220, and WYSE protocol (5250 data stream; col. 3, lines 52-64).

j. As per claim 8, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

the control sequence enabling the detection of the encapsulation sequence (keywords allow for toggling of modes; col. 3, lines 52-64).

k. As per claim 9, Murphy Jr. discloses the claimed invention described above. However, Murphy Jr. does not explicitly teach enabling an audio alarm indicating that the encapsulation sequence was transmitted. "Official Notice" is taken that both the concept and advantages of having a computer generate an audio alarm (beep) when an event occurs are well known and expected in the art.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Murphy Jr. invention to have it generate an audio alarm when the encapsulation sequence was transmitted because an audio alarm would draw a computer operator's attention to the fact that an event (encapsulation transmitted) had occurred.

l. As per claims 16-17, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

the first data protocol comprising a formatted data protocol; and  
the formatted data protocol being at least one of a VT100, TN3270, TN5250, VT320, VT340, VT420, VT220, and WYSE protocol (5250 data stream; col. 3, lines 52-64).

m. Claims 24-25 claim similar limitations as claims 16-17 and are rejected under the same rationale.

n. As per claims 20-21, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

the encoded data being encapsulated via a control sequence (HTML keyword; col. 3, lines 52-64); and

the control sequence enabling the detection of the encapsulation sequence (keywords allow for toggling of modes; col. 3, lines 52-64).

o. Claim 28 claims similar limitations as claim 20 and is rejected under the same rationale.

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p. As per claim 22, Murphy Jr. discloses the claimed invention described above. Furthermore, Murphy Jr. teaches:

a computer readable medium having computer-executable instructions for performing the method of claim 15 (inherent, since Murphy Jr. is directed towards computer communications, the instructions governing the invention are embodied on a computer memory in some location).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245) in view of Durst et al. (Unicode in XML and other Markup Languages).

q. As per claim 2, Murphy Jr. discloses the claimed invention described above. However, Murphy Jr. does not explicitly teach the second data protocol being encoded via non-ASCII characters. Durst teaches that marked-up text such as XML or HTML (as in Murphy Jr.) can be encoded via Unicode (page 2, section 1, paragraphs 2-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second protocol (HTML) in the Murphy Jr. invention to be encoded via Unicode (non-ASCII) as taught by Durst, because Unicode is the universal character set that provides an unambiguous encoding of the content of plain text, ultimately covering all the languages in the world, as taught by Durst (page 2, section 1, paragraph 1).

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245) in view of Durst et al. (Unicode in XML and



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other Markup Languages), as applied to claim 2 above, and further in view of Tittel et al. (XML for Dummies).

r. As per claim 3, Murphy Jr. discloses the claimed invention modified above. However, the modified Murphy Jr. invention does not explicitly teach the second data protocol utilizing XML data, rather HTML data. Tittel teaches that XML is an increasing popular language over HTML (page 14, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the HTML data in the modified Murphy Jr. invention with XML data, as taught by Tittel, because XML supports a richer set of document elements and applies better to various publishing media, as taught by Tittel (page 14, lines 1-4).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245) in view of Durst et al. (Unicode in XML and other Markup Languages), further in view of Tittel et al. (XML for Dummies), as applied to claim 3 above, and further in view of Davis (Forms of Unicode).

s. As per claim 4, Murphy Jr. discloses the claimed invention modified above. However, the modified Murphy Jr. invention does not explicitly teach the XML data being encoded in a UTF-8 format. The modified Murphy Jr. invention only teaches encoding in Unicode. Davis teaches that UTF-8 is a form of Unicode (page 1, paragraph 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Unicoded XML data in the modified Murphy Jr. invention be encoded in UTF-8 format, as taught by Davis, because UTF-8 format takes fewer bytes to represent most of the common

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characters in the world, compared to other formats, as taught by Davis (page 4, table 1).

11. Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245) in view of Tittel et al. (XML for Dummies).

t. As per claim 18, Murphy Jr. discloses the claimed invention described above. However, Murphy Jr. does not explicitly teach the second data protocol being an XML stream, rather an HTML one. Tittel teaches that XML is an increasing popular language over HTML (page 14, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the HTML data in the Murphy Jr. invention with XML data, as taught by Tittel, because XML supports a richer set of document elements and applies better to various publishing media, as taught by Tittel (page 14, lines 1-4).

u. Claim 26 claims similar limitations as claim 18 and is rejected under the same rationale.

12. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy Jr. et al. (6,070,245) in view of Tittel et al. (XML for Dummies), as applied to claims 18 and 26 above, further in view of Durst et al. (Unicode in XML and other Markup Languages), and further in view of Davis (Forms of Unicode).

v. As per claim 19, Murphy Jr. discloses the claimed invention modified above. However, the modified Murphy Jr. invention does not

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explicitly teach the XML data being encoded in a UTF-8 format. Durst teaches that marked-up text such as XML (as in the modified Murphy Jr. invention) can be encoded via Unicode (page 2, section 1, paragraphs 2-3). However, this modification still does not explicitly teach the data being encoded in UTF-8. Davis teaches that UTF-8 is a coding that can represent (page 1, paragraph 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the XML data in the modified Murphy Jr. invention to be encoded via Unicode as taught by Durst, and have that Unicoded data be encoded in UTF-8 format, as taught by Davis, because Unicode is the universal character set that provides an unambiguous encoding of the content of plain text, ultimately covering all the languages in the world, as taught by Durst (page 2, section 1, paragraph 1), and UTF-8 format takes fewer bytes to represent most of the common characters in the world, compared to other formats, as taught by Davis (page 4, table 1).

w. Claim 27 claims similar limitations as claim 18 and is rejected under the same rationale.

#### ***Allowable Subject Matter***

13. Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

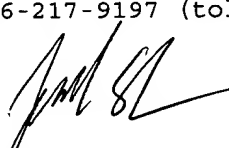
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**Conclusion**

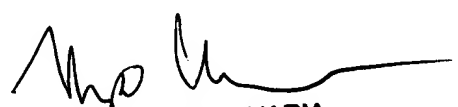
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Shaw whose telephone number is 703-305-0094. The examiner can normally be reached on Monday - Thursday and alternate Fridays, 7am - 4pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharja can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Shaw  
Examiner  
AU 2141



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER